

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

Master Civil No. 01-cv-12257

MDL NO. 1456

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ASTRAZENECA CLASS 1

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**[PROPOSED] ORDER GRANTING CLASS COUNSEL’S
MOTION TO PARTIALLY DISTRIBUTE ASTRAZENECA CLASS 1
SETTLEMENT FUNDS TO *CY PRES* RECIPIENTS**

This Court has reviewed Class Counsel’s Motion to Partially Distribute AstraZeneca Class 1 Settlement Funds to *Cy Pres* Recipients and the accompanying Exhibits thereto. The Court hereby FINDS that pursuant to the Settlement Agreement [Dkt Nos. 4227 and 5774], ZERO and CancerCare are “charitable organizations funding cancer research or patient care” to which Class Counsel and AstraZeneca have agreed to distribute \$2.8 million of the Settlement Fund. The Court likewise FINDS that this partial distribution of the Settlement Fund will not deplete the amount of the Settlement Fund available for Class Members and leaves enough funds for Class members whose next-of-kin may subsequently be located by Class Counsel.

The Court therefore GRANTS Class Counsel’s Motion and hereby ORDERS that:

1. \$1,000,000 of the AstraZeneca Class 1 Settlement Fund shall be distributed to ZERO – The Project to End Prostate Cancer to provide mobile prostate cancer testing as set forth in ZERO’s Proposal, Exhibit A to Class Counsel’s Motion.

2. \$1,800,000 of the AstraZeneca Class 1 Settlement Fund shall be distributed to CancerCare to fund its Transportation Assistance Program for People With Cancer as set forth in CancerCare's Proposal, Exhibit B to Class Counsel's Motion.

3. The 14 late but otherwise valid claims received by the Claims Administrator and described in Paragraph 9 of the Walter Declaration, Exhibit C to Class Counsel's Motion, may be paid from the Settlement Fund.

4. On or before April 29, 2011, Class Counsel shall move the Court for an order authorizing the final distribution of the AstraZeneca Class 1 Settlement Funds and shall, at that time, provide a report of their efforts to increase distribution of the Settlement Funds to Class members by attempting to locate the next-of-kin for Class members with outstanding Settlement checks.

DATED: this ____ day of March, 2011.

HONORABLE PATTI B. SARIS
United States District Court Judge